

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 327 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE D.G.KARIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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STATE OF GUJARAT

Versus

ANISH AZIZBHAI & 2 OTHERS

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Appearance:

MR.S.T.MEHTA, ADDL. PUBLIC PROSECUTOR for Appellant.

MR PM THAKKAR for Respondent No. 1 (Absent).

EXPIRED for Respondent No. 3.

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CORAM : MR.JUSTICE D.G.KARIA

Date of decision: 05/08/96

ORAL JUDGEMENT

This acquittal appeal is directed against the judgment and order dated February 28, 1989 rendered in Criminal Case No. 189/85 whereby the learned Judicial Magistrate First Class, Bagasara-Vadiya ordered to acquit the respondents for the offence punishable under section

7 read with section 16(1) of the Prevention of Food Adulteration Act, 1954. The learned Magistrate recorded the order of acquittal on the basis that the complainant-Food Inspector was not qualified to be the Food Inspector under the Prevention of Food Adulteration Rules, 1955.

I have heard Mr. S. T. Mehta, learned Addl. Public Prosecutor, for the appellant-State. I have also perused the relevant record.

As narrated in para 4 of the impugned judgment, several other complaints came to be dismissed acquitting/discharging the accused persons therein for the offence under the Prevention of Food Adulteration Act, on the ground that the complainant Food Inspector was not duly qualified. The said decision came to be upheld by the High Court. In the instant case, the Food Inspector, Amreli, Mr. Moonghva is only a matriculate. Rule 8 of the Prevention of Food Adulteration Rules, 1955 provides about the qualification of Food Inspector. Rule 8 of the said Rules, inter alia, contemplates that the person shall not be qualified for appointment as Food Inspector, unless he is a graduate in Science with Chemistry as one of the subjects or is a graduate in Agriculture or Public Health or Pharmacy or in Veterinary Science or a graduate in Food Technology or Dairy Technology or is a diploma holder in Food Technology or Dairy Technology from a University or Institution established in India by law or has equivalent qualification recognised and notified by the Central Government for the purpose and has received three months' satisfactory training in food inspection and sampling work under a Food (Health) Authority or in an institution approved for the purpose by the Central Government. In the present case, the complainant-Food Inspector is admittedly not a graduate of any faculty mentioned in Rule 8 nor has undergone adequate training.

In the above view of the matter, there is no substance in the appeal. It is, therefore, liable to be dismissed. The appeal stands dismissed.

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